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JUL 15 2002

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

PTO/SB/21 (08-00)

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/205,096
Filing Date	December 3, 1998
First Named Inventor	Daniel B. DRACHMAN
Group Art Unit	1632
Examiner Name	E. SORBELLO
Attorney Docket Number	01107.77737

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)

☒ Fee Transmittal Form

☐ Fee Attached

☐ Amendment / Response

☐ After Final

☐ Affidavits/declaration(s)

☒ Extension of Time Request

☐ Express Abandonment Request

☐ Information Disclosure Statement

☐ Certified Copy of Priority Document(s)

☐ Response to Missing Parts/Incomplete Application

☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

☐ Assignment Papers (for an Application)

☐ Drawing(s)

☐ Licensing-related Papers

☒ Petition Under Rule 195 w/2 Exhibits

☐ Petition to Convert to a Provisional Application

☐ Power of Attorney; Revocation Change of Correspondence Address

☐ Terminal Disclaimer

☐ Request for Refund

☐ CD, Number of CD(s) _____

☐ After Allowance Communication to Group

☐ Appeal Communication to Board of Appeals and Interferences

☒ Appeal Communication to Group w/ Appendices 1-18 (Original + 2 copies) (Appeal Notice, Brief, Reply Brief)

☐ Proprietary Information

☐ Status Letter

☐ Other Enclosure(s) (please identify below):

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name

Sarah A. Kagan, Reg. No. 32,141

Signature

Sarah A. Kagan (47,660) for SARAH KAGAN

Date

July 15, 2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: _____

Typed or printed name

Signature

Date

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AF/1632

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FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.29.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known

Application Number 09/205,096
Filing Date December 3, 1998
First Named Inventor Daniel B. DRACHMAN
Examiner Name E. SORBELLO
Group / Art Unit 1632
Attorney Docket No. 01107.77737

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METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
Order

☒ Deposit Account:

Deposit
Account
Number 19-0733

Deposit
Account
Name Banner & Witcoff, Ltd.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee
to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 0)

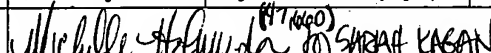
**or number previously paid, if greater; For Reissues, see above

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	980
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	160
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$ 1140)

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Sarah A. Kagan	Registration No. Attorney/Agent	32,141	Telephone	(202) 508-9100
Signature				Date	July 15, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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#3
Dec
7/19/02

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:

Daniel B. Drachman

Serial No. 09/205,096

Filed: December 3, 1998

RECEIVED

JUL 18 2002

TECH CENTER 1600/2900

Group Art Unit: 1632

Examiner: E. Sorbello

Atty. Dkt. No. 01107.77737

For: **TARGETING ANTIGEN-SPECIFIC T CELLS FOR SPECIFIC
IMMUNOTHERAPY OF AUTOIMMUNE DISEASE**

REQUEST FOR ADMITTANCE OF EXHIBITS UNDER 37 C.F.R. § 1.195

Assistant Director for Patents
Washington, D.C. 20231

Sir:

An appeal brief and the requisite fees are being filed concurrently with this paper. We believe no fee is due in connection with this request. If any fee is due, please charge our Deposit Account No. 19-0733.

Please admit exhibits 1 and 2 for consideration of the appealed claims.

Remarks

Please admit and consider exhibits 1 and 2. The exhibits are evidence that directly rebuts two different grounds of rejection.

Exhibit 1. Genbank accession number M64695 teaches the nucleotide and amino acid sequence of the extracellular domain of human acetylcholine receptor. It is provided to rebut the

allegation of the Patent Office that the claims are not enabled because "[t]he specification does not teach one where and how to obtain the DNA encoding auto antigens." Final Office Action, page 4, lines 16-17. Exhibit 1 was not submitted earlier because appellant believed that the submission of eleven exhibits disclosing the nucleotide sequence of auto-antigens in appellant's response filed October 15, 2001 in combination with the specification's teaching of the acetylcholine receptor were sufficient to overcome this ground of the enablement rejection. Genbank accession number M64695 provides additional evidence that the nucleotide sequences of auto-antigens, specifically the acetylcholine receptor named in the specification, were known in the art prior to the effective filing date of the application.

Exhibit 2. Goodnough (*AACN Clin. Issues*, 7, 1996, 212-220) reviews then current blood transfusion practices. Goodnough is provided to rebut the allegation of the Patent Office that the claims are not enabled because appellant did not teach when and how to administer transfected APCs. In response to this ground of rejection appellant cited the specification, which teaches, "Transduced or transfected autologous antigen presenting cells are re-introduced to the patient using standard techniques for transfusing blood cells." Appellant's response filed October 15, 2001, page 18, lines 6-7. Goodnough is evidence that such techniques for transfusing blood cells were well-known in the art before the filing date of the application. Exhibit 2 was not submitted earlier because appellant believed that the argument submitted in the response to Final Office Action would be sufficient to overcome this ground of the rejection.

Entry of exhibits 1 and 2 is respectfully requested.

Respectfully submitted,

Date: July 15, 2002

By: Sarah A. Kagan
Sarah A. Kagan
Registration No. 32,141

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